

FEB 8 2022

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY

Dear Clerk,

I did not know if I should send this Motion for Contempt of Court to you or Judge Ellis in Houston? I'll let you decide what is best but please accept it as is because I have zero access to the law library & even when that goofy Brit, Mr. Knight brings requested items he has in the past brought me the wrong thing when & if he did bring it. I am also sending ~~the~~ a forma Pauperis for the Oatman v. Collier suit I just sent you. I signed the Verification myself because Mr. Knight for all I know doesn't even work here anymore?

The only Legal aid I possess is my Jailhouse Lawyers handbook, without that I would be lost or more lost than I am right now. I am a member of the Sub-classes set forth in Civil Action No. 4:14-cv-01698 and as such do not need to file a new 1983 Complaint in order to ask the Court to hold TDCJ & its employees in Contempt & to put them in jail & fine them. I did not know this prior to filing Civil Action 1:21-cv-01177-LY-DH; Oatman v. Lumpkin et al & by all rights Bobby Lumpkin, Dail Wainwright, Bryan Collier & Robert Marguardt can & should be held in Contempt as well. Never have the Judges orders been followed in my case my conditions became more unsafe instead of safer & violated the 8th Amendment even more not less than if they would have just left me on the Daniel or McConnell Units which are Designated Native American Units and full-service units not units built for punishment

they need to all go to jail until we can sort this out. TDCJ has been punishing us members of the Sub-class to thumb their noses at this Court & the innocent victims who's lives have been upended by TDCJ's Malicious actions.

I am currently in Severe Mental & Emotional distress which is taking its physical toll on my body & mind.

"The simple act of unconstitutional Conditions Continuing over a long period of time is evidence of deliberate indifference"

Alberti V. Sheriff of Harris County, Texas, 937 F.2d. 984, 998 (5th Cir 1991)

I am doing all I can not to be sent to the psych Hospital in Crisis right now. I met with the psych nurse & she is trying to get me to the provider to get my meds adjusted to help with my decompensation, Maria & lack of sleep. Please help me.

1) Motion for Contempt of Court 9 pages

2) Application to proceed in Forma Pauperis 4 pages

3) Letter to Clerk 2 pages

P.S.- Mr. Knight the Law Librarian here is a British immigrant & has a picture of the Queen Mother & A British flag posted in our Law Library as he ignores our request forms and throws them in the trash. Am I wrong for really not Liking that guy?

United States District Court Western District of Texas
Austin Division

Case 1:21-cv-01177-LY-DH Document 18 Filed 02/08/22 Page 1 of 15

Brian G. Oatman #2097131	:	
Willacy Unit	:	Motion for Contempt of
1695 S. Buffalo Dr.	:	Court
Raymondville, TX 78580	:	
Bryan Collier, Exec. Dir. TDCJ	:	Civil Action No. 4:14-cv-01698
B. Rodriguez, Warden	:	
P. Knight, Librarian	:	
"	:	

I. Jurisdiction & Venue

- 1) This is a civil action authorized by 42 U.S.C. Section 1983 to redress the deprivation, under color of Law, of rights secured by the Constitution of the United States. The Court has jurisdiction under 28 U.S.C. Section 1331 and 1333(a)(3). Plaintiff seeks declaratory, injunctive, punitive & compensatory relief pursuant to 28 U.S.C. Section 2283 & 2284 and Rule 65 of the Federal Rules of Civil Procedure.
- 2) The Western District Court, Austin, Division (U.S.D.C.) is an appropriate venue under 28 U.S.C. Section 1331(b)(2) because it is where the State Capital & the Texas Dept of Criminal Justice is headquartered & these ³ defendants work for the state through contract with the Texas Dept. of Criminal Justice.

II. Plaintiffs

3) Brian G. Oatman #2097131, is and was at all times mentioned herein a Prisoner of the State of Texas in the Custody of the Texas Dept. of Criminal Justice He is Currently Confined in Willacy Unit in Raymondville, TX at 11695 Buffalo Dr. 78580.

4) Defendant, Bryan Collier, is the Executive Director of TDCJ He is Legally responsible for the overall operations of the Department and each institution under its Jurisdiction, including the Willacy Unit.

5) Defendant, B. Rodriguez, is the Warden of the Willacy Unit. She is legally responsible for the Operations of the Willacy Unit and for the welfare of all the inmates in that Prison.

6) Defendant, P. Knight, is a Correctional officer for MTC Corporation who contracts with TDCJ, acting under color of law, who, at all times held the rank of Law Clerk and was assigned to the Law ~~Library~~ Library.

7) Each Defendant is sued individually and his or her official capacity. At all times mentioned in this Complaint each defendant acted under the color of State law.

III. FACTS

- 8) On November 1, 2021 Maintenance Training Corporation who contracts for TDCJ, took over custody of the Willacy Unit for Bryan Collier & TDCJ. Warden Rodriguez & P. Knight work for Maintenance Training Corporation (MTC).
- 9) TDCJ & MTC do not allow inmates to maintain possession of their electrical appliances bought off of TDCJ Commissary & my Typewriter, nightlight, radio, multi plug & Hot Pot were taken possession of by MTC on November 1st.
- 10) The entire time I've been on the Willacy Unit (since April 16, 2021) I have not had the use of my property even though I needed it to help me do my legal work.
- 11) Mr. P. Knight does not answer inmate requests & has gotten worse about it since I was thrown into Segregation on 1-12-2022 due to Warden B. Rodriguez housing me with violent gang members in an overcrowded Prison.
- 12) Warden B. Rodriguez does not supervise P. Knight properly and the Law Library is too small & not open on the weekends in violation of Policy.

V. Legal Claims

13) Plaintiff re-alleges and incorporates by reference Paragraphs 1-12

14) The 5th Circuit Court in Case No. 4:14-cv-01698 Doc 737 pg 97 stated that, "Defendants (TDCJ) may re-configure areas that are currently air conditioned to accommodate the heat sensitive, or move them to other facilities in Texas" in order to "afford the heat sensitive a safer living environment". However if it is determined that TDCJ does not have authority to comply with this order, the Court Concludes that federal law requires the relief to be ordered, the relief is necessary to correct the violation of Plaintiffs' Eighth Amendment rights, and no other relief will correct the violation of their Eighth Amendment rights.

15) The Court ordered relief has never been provided because Bryan Collier has never made proper "accomodations" for the heat sensitive to afford us a "safer living environment". He has in violation of the 1st, 14th, 5th, 8th, RLUIPA, CRIPA & the Americans' with Disabilities Act (ADA) been deliberately indifferent to my rights & housed me on the Alwed High Security housing (seg) & is currently housing me in Segregation, isolation, solitary confinement in violation of the 8th & 14th Amendments in violation of this Courts Orders.

16) Warden B. Rodriguez & Officer P. Knight are working together to deny me access to the law library which also violates the 8th, 1st, 5th & 14th Amendments in violation of this Courts orders.

17) Holding me in Solitary Confinement is ~~causing~~ denying me Access to the Courts by denying me legal information to even be able to file this Contempt of Court motion is causing Severe mental, Physical & Emotional Pain & I am desperately in need of relief because my Schizoaffective disorder is causing me to slip in & out of psychosis & do not know how much longer I can hang on & I am in fear for my safety & my life. All of these conditions add up to an 8th Amendment nightmare, & are not "Safer".

VI Prayer For Relief

WHEREFORE, Plaintiff respectfully prays that this Court enter judgment granting Plaintiff:

18) A declaration that the acts and omissions described herein violated Plaintiff's rights under the Constitution and laws of the United States.

19) A Preliminary & Permanent Injunction ordering defendants Bryan Collier, B. Rodriguez & P. Knight held in Contempt of Court & be sentenced to up to 6 months in County Jail & ordered to pay a 10,000⁰⁰ fine each.

- 20) Compensatory damages in the amount of \$10,000⁰⁰ against each defendant, jointly and severally.
- 21) Punitive damages in the amount of \$20,000⁰⁰ against each defendant.
- 22) I request the Court order defendants to pay for an Attorney to assist me in my legal work on Civil Action 1:21-cv-01177 LY-DH; Oatman v. Lumpkin et al.
- 23) I request to be transferred to a federal holding facility immediately & suggest the one right here in Raymondville just over the fence & that TDCJ & MTC Administrators be made to pay for all expenses related to my transfer to a "Safer environment."
- 24) Any additional relief this court deems just, proper, and equitable.

Dated: 1-30-2022

Respectfully Submitted,

Brian G. Oatman #209713
Willacy Unit
1695 S. Buffalo Dr.
Raymondville, TX 78580

Verification

I have read the foregoing complaint & hereby verify that the matters alleged therein are true, except as to matters alleged on information and belief, and, as to those, I believe them to be true. I certify under Penalty of Perjury that the foregoing is true and correct.

Executed at Raymondville, Texas on January 31, 2022

x Brian G. Oatman

Brian G. Oatman #2097131

Willacy Unit

1695 S. Buffalo Dr.

Raymondville, TX 78580



Texas Department of Criminal Justice

**OFFENDER
STEP 1 GRIEVANCE FORM**

Offender Name: Brian Oatman TDCJ # 2097131
 Unit: Willacy Housing Assignment: BTR - 14
 Unit where incident occurred: Willacy (seg)

OFFICE USE ONLY

Grievance #: _____
 Date Received: _____
 Date Due: _____
 Grievance Code: _____
 Investigator ID #: _____
 Extension Date: _____
 Date Retd to Offender: _____

You must try to resolve your problem with a staff member before you submit a formal complaint. The only exception is when appealing the results of a disciplinary hearing.

Who did you talk to (name, title)? Mr. Knight, Law Clerk When? 1-25-2022

What was their response? "Don't write a grievance"

What action was taken? He ignores my requests

State your grievance in the space provided. Please state who, what, when, where and disciplinary case number if appropriate.

On 1-25-2022, Mr. Knight, the Law Clerk (Librarian) Came and brought me a couple of things from the law library. He has only come to deliver materials one time in 19 days that I've been in Solitary Confinement. I need him delivering me legal documents every day of the week & one day on the weekends as I have 3 cases in the Federal Courts right now and am waiting on his Signature on a forma Pauperis & more 1983 forms and Contempt forms & I need to see the Federal Rules of Civil Procedure & the Heat Litigation etc. Cutting off my Access to the law Library & locking me in Solitary Confinement violates the 8th Amendment & TDCJ has already been Warned by the 5th Circuit Courts to Quit Violating the 8th Amendment rights of the "Heat Sensative" (me). Warden B. Rodriguez & Mr. Knight are Currently in Contempt of Court for violating my 8th Amendment rights.

YOUR SIGNATURE IS REQUIRED ON BACK OF THIS FORM

(OVER)

UNITED STATES DISTRICT COURT

~~DISTRICT OF~~

Western

Texas, Austin Division

Brian G. Oatman & others
similarly situated

Plaintiff

Civil Action No.

v.

Bryan Collier et al

Defendant

APPLICATION TO PROCEED *IN FORMA PAUPERIS***Instructions:**

The Clerk will not file a civil complaint unless the person seeking relief pays the entire filing fee (currently \$350) and an administrative fee (currently \$50) in advance, or the person applies for and is granted *in forma pauperis* status pursuant to 28 U.S.C. §1915. A prisoner who seeks to proceed *in forma pauperis* must submit to the Clerk: (1) a completed affidavit of poverty and (2) a copy of the trust fund account statement (or institutional equivalent) for the prisoner for the six month period immediately preceding the filing of the complaint, obtained from and certified as correct by the appropriate official of each prison at which the prisoner is or was confined for the preceding six months. See 28 U.S.C. § 1915(a)(2).

Upon entry of an order granting a prisoner's application to proceed *in forma pauperis*, the Court will direct the agency having custody of the prisoner to deduct an initial partial filing fee equal to 20% of the greater of the average monthly deposits to the prison account or the average monthly balance in the prison account for the six-month period immediately preceding the filing of the complaint, as well as monthly installment payments equal to 20% of the preceding month's income credited to the account for each month that the balance of the account exceeds \$10.00, until the entire filing fee has been paid. See 28 U.S.C. § 1915(b). A prisoner who is granted leave to proceed *in forma pauperis* is obligated to pay the entire filing fee regardless of the outcome of the proceeding and is not entitled to the return of any payments made toward the fee.

The prisoner must complete all questions in the following affidavit, sign and date the affidavit, sign and date the authorization, and then obtain the signature of the appropriate prison official who certifies the prison account statement. After the appropriate prison official certifies your prison trust fund account statement(s), you must attach the prison account statement(s) to this application, for each prison or jail wherein you were incarcerated during the previous six months. If your application to proceed *in forma pauperis* is incomplete, then the Court may enter an order denying your application without prejudice and administratively close the case.

I am a plaintiff or petitioner in this case and declare that I am unable to pay the costs of these proceedings and that I am entitled to the relief requested.

In support of this application, I answer the following questions under penalty of perjury:

1. If incarcerated. I am being held at:

Willacy Unit, 1695 S. Buffalo Dr., Raymondville, TX 78580

I have attached to this document a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months for any institutional account in my name. I am also submitting a similar statement from any other institution where I was incarcerated during the last six months.

2. If not incarcerated. If I am employed, my employer's name and address are:

N/A

My gross pay or wages are: \$ 0, and my take-home pay or wages are: \$ 0
per 0.
(specify pay period)

3. Other Income. In the past 12 months, I have received income from the following sources (check all that apply):

- (a) Business, profession, or other self-employment
- (b) Rent payments, interest, or dividends
- (c) Pension, annuity, or life insurance payments
- (d) Disability, or worker's compensation payments
- (e) Gifts, or inheritances
- (f) Any other sources

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

If you answered "Yes" to any question above, describe below or on separate pages each source of money and state the amount that you received and what you expect to receive in the future.

I get \$100.00 a month from my family

4. Amount of money that I have in cash or in a checking or savings account: \$ 0

5. Any automobile, real estate, stock, bond, security, trust, jewelry, art work, or other financial instrument or thing of value that I own, including any item of value held in someone else's name
(describe the property and its approximate value):

0

6. Any housing, transportation, utilities, or loan payments, or other regular monthly expenses
(describe and provide the amount of the monthly expense):

0

7. Names (or, if under 18, initials only) of all persons who are dependent on me for support, my relationship with each person, and how much I contribute to their support:

8. Any debts or financial obligations (describe the amounts owed and to whom they are payable):

DECLARATION: I declare under penalty of perjury that the above information is true and understand
se statement may result in a dismissal of my claims.

1-28-2022

Date

Brian G. Oatman

Applicant's signature

Brian G. Oatman

Printed name

AUTHORIZATION: I understand that the filing fee for this civil complaint is \$350.00, and that I am obligated to pay the full filing fee regardless of the outcome of the proceedings.

I request and authorize the agency holding me in custody to calculate and disburse funds from my trust account (or institutional equivalent) in the amount specified by 28 U.S.C. § 1915(b)(2).

This Authorization shall apply to any other agency into whose custody I may be transferred.

1-28-2022

Part

Brian S. Catman

Applicant's signature

Brian G. Oatman

Printed name

CERTIFICATION OF PRISONER'S INSTITUTIONAL ACCOUNT BALANCE: An authorized prison official must complete the certification below and furnish a certified copy of your institutional account statement showing all deposits, withdrawals, and balances for the prior six-month period, to be filed with this application.

I certify that the prisoner named herein has the sum of \$ 481.64 on account at
Willacy correctional institution, where he is presently confined.

I further certify that during the prior six-month period, the prisoner's average monthly account balance was \$ 1,090.20; and that the average amount deposited monthly in the account during the prior six-month period was \$ 87.85.

Plaintiff → Brian St Omer

Signature and Title of Authorized Prison Official

1-31-2022

6

CSINIB02/CINIB02 TEXAS DEPARTMENT OF CRIMINAL JUSTICE 01/25/22
 1NJL/KP00033 IN-FORMA-PAUPERIS DATA 10:49:34
 TDCJ#: **02097131** SID#: **05220297** LOCATION: **WILLACY** INDIGENT DTE:
 NAME: **OATMAN, BRIAN** BEGINNING PERIOD: **07/01/21**
 PREVIOUS TDCJ NUMBERS:
 CURRENT BAL: **481.64** TOT HOLD AMT: **0.00** 3MTH TOT DEP: **227.10**
 6MTH DEP: **527.10** 6MTH AVG BAL: **1,090.20** 6MTH AVG DEP: **87.85**
 MONTH HIGHEST BALANCE TOTAL DEPOSITS MONTH HIGHEST BALANCE TOTAL DEPOSITS
 12/21 **888.48** **27.10** 09/21 **1,250.22** **200.00**
 11/21 **925.93** **100.00** 08/21 **1,359.31** **0.00**
 10/21 **1,163.92** **100.00** 07/21 **1,614.73** **100.00**

STATE OF TEXAS COUNTY OF _____
 ON THIS THE _____ DAY OF _____, I CERTIFY THAT THIS DOCUMENT IS A TRUE,
 COMPLETE, AND UNALTERED COPY MADE BY ME OF INFORMATION CONTAINED IN THE
 COMPUTER DATABASE REGARDING THE OFFENDER'S ACCOUNT. NP SIG:
 PF1-HELP PF3-END ENTER NEXT TDCJ NUMBER: _____ OR SID NUMBER: _____

Brian G. Oathman #2097131

Willacy Unit
1695 S. Buffalo Dr.
Raymondville, TX
78580

Jeanette T. Clack
Clerk of Courts
U. S. D. C. Western District
of Texas
501 West 5th Street, Ste. 1100
Austin, TX 78701

SCREENED BY CSO
FEB 08 2022

